

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 29, 2016**

DATE ISSUED
June 1, 2016

CASE TITLE – Ann Treboux v. Howard Lazar and the Arts Commission (File No. 15164)

FACTS OF THE CASE

On December 3, 2016, Ann Treboux (Complainant) filed a complaint alleging that Howard Lazar and the Arts Commission (Respondent), violated Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a public records request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On April 26, 2016, the Complaint Committee heard the matter.

Ann Treboux (Complainant) provided a summary of the complaint and requested the Task Force to find a violation. There were no speakers in support of the Complainant. Kate Patterson, Arts Commission (Respondent) provided a summary of the department's position. Ms. Patterson stated that the public records request was found in Mr. Lazar's junk e-mail box and that steps have been taken to address the problem. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and Respondent were allowed to provide rebuttals.

The Committee provide several suggestions to the Arts Commission to improve their ability to respond to Immediate Disclose Request in a timely manner including but not limited to the following:

- Regular checks of email boxes to insure that email was not misdirected
- Complainants should follow-up on their request if a response is not received
- Complainants should send requests to the general email address for the Arts Commission and cc staff members as needed
- Possible creation of an automatic program to sort Immediate Disclosure Requests
- Set up automatic replies for email accounts.

On June 1, 2016, the Sunshine Ordinance Task Force (Task Force) reviewed the recommendation of the Complaint Committee.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that a violation of Administrative Code (Sunshine Ordinance), Section 67.25(a), occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force adopted the Complaint Committee's recommendation to find jurisdiction and to find that Howard Lazar and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25(a), by failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 8 - Eldon, J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Fischer

A handwritten signature in dark ink, appearing to read "Bruce Wolfe", is written over a horizontal line.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
- Ann Treboux, Complainant
- Howard Lazar, Arts Commission (Respondent)
- Kate Patterson, Arts Commission (Respondent)